

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

SEAN PRITCHETT, ET AL.

Plaintiff,

-v.-

**Civil Action No.
9:03-cv-378 (GLS/DRH)**

SUPERINTENDENT PORTOUNDO, ET AL.

Defendants.

APPEARANCES:

**SEAN PRITCHETT
Plaintiff Pro Se
97-A-4080
Attica Correctional Facility
P.O. Box 149
Attica, New York 14011**

**A. STOVER
Plaintiff Pro Se
93-A-3122
Wende Correctional Facility
P.O. Box 1187
Alden, NY 14004**

**PAUL BURGOS
Plaintiff Pro Se
98-A-5848
Sullivan Correctional Facility
P.O. Box 116
Fallsburg, NY 12733-0116**

**J. PATTERSON
Plaintiff Pro Se
77-A-4549
Orleans Correctional Facility
3531 Gaines Basin Road
Albion, NY 14411**

**ELIOT SPITZER, ESQ.
NEW YORK STATE ATTORNEY GENERAL**

**The Capitol
Albany, New York 12224-0341**

**MICHAEL G. MCCARTIN, ESQ.
Assistant Attorney
General**

**GARY L. SHARPE,
U.S. DISTRICT JUDGE**

ORDER

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge David R. Homer duly filed September 9, 2005. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is hereby

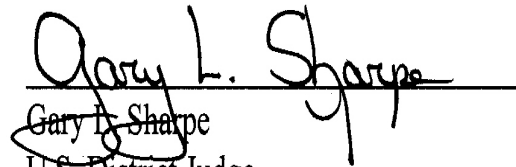
ORDERED, that the Report-Recommendation of Magistrate Judge David R. Homer filed September 9, 2005 is ACCEPTED in its entirety for the reasons stated, and it is further

ORDERED, that defendants' motion for summary judgment (Docket No. 55) is GRANTED; and it is further

ORDERED, that the Clerk of the Court is to enter judgment in favor of Defendants and close this case.

IT IS SO ORDERED

Dated: September 30, 2005
Albany, New York



Gary L. Sharpe
U.S. District Judge